



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 9, 2008

Mr. Brandon Brygider
104 Tullamore Rd
Garden City, NY 11530-2512

Dear Mr. Brygider:

As you requested during our December 8, 2008 phone conversation, please find enclosed a copy of Powertech's "Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate." This is the first step in the process of Powertech obtaining a large scale mine permit for its planned in situ uranium mine located 13 miles northwest of Edgemont, SD. Please note at this time, Powertech has not submitted its large scale mine permit application to the department.

Currently, the department does not plan to submit a petition to place the site on the preliminary list of Special, Exceptional, Critical, or Unique Lands. However, as discussed during our phone call, any person, organization, or agency can submit a nominating petition to the Board of Minerals and Environment to place this property on the preliminary list. A complete nominating petition must be received by our office by December 28, 2008.

You are welcome to submit comments regarding the Request. However, please note that the only way you can nominate this area for inclusion on the preliminary list is to submit a nominating petition. Please note that all comments are welcome. However, comments at this stage may be referred to at a later date to address concerns as Powertech continues on in the process of obtaining a large scale mine permit.

I have included with this letter copies of South Dakota Codified Law 45-6B and Administrative Rules of South Dakota (ARSD) 74:29, the statutes and regulations that govern mining operations in the state of South Dakota. The rules define the requirements of a mining company for obtaining and maintaining a mine permit and operational and reclamation requirements for such facilities.

ARSD 74:29:10 discusses the requirements for the "Request for Determination of Scenic, Exceptional, Critical, or Unique Lands." If you are interested in providing a nominating petition for Powertech's proposed mine area, please review the requirements mentioned in this section as it will give a detailed description of the information required to file a

complete petition. Again, we must receive a complete nominating petition by December 28, 2008.

If you have any further questions please feel free to contact me at (605) 773-4201.

Sincerely,

\s/

Roberta Fivecoate
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Enclosures